

[Report No. 104.]

IN THE HOUSE OF REPRESENTATIVES.

MARCH 2, 1861.

Read twice, committed to a Committee of the Whole House, and ordered to be printed.

Mr. TAPPAN, from the Committee of Claims, reported the following bill :

A BILL

Authorizing the appointment of commissioners to settle the claims of citizens of Kansas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the President of the United States, by and with the ad-
4 vice and consent of the Senate, shall appoint three competent
5 and disinterested persons, who shall constitute a board of com-
6 missioners, whose duty it shall be to receive and examine all
7 claims of citizens of Kansas against the United States for the
8 loss of property taken or destroyed, and damages resulting
9 therefrom, during the civil disturbances which prevailed in that
10 Territory from November one, eighteen hundred and fifty-five,
11 to December first, eighteen hundred and fifty-six. And it

12 shall be the duty of the commissioners, upon the testimony
13 heretofore offered before the commissioners appointed under
14 an act of the legislature of said Territory, passed February
15 seven, eighteen hundred and fifty-nine, entitled "An act to
16 provide for the adjustment and payment of claims," and such
17 additional testimony as may be produced, or may be required
18 by said commissioners, to award to each claimant his actual
19 loss, if, in the opinion of said commissioners, or a majority of
20 them, the government of the United States is justly liable
21 therefor, upon the established principles of law or equity.

1 SEC. 2. *And be it further enacted,* That there shall be
2 appointed by the President of the United States, by and with
3 the advice and consent of the Senate, a person learned in the
4 law, competent and disinterested, as an attorney, whose duty it
5 shall be to attend the sittings of said commissioners, and act
6 for and in behalf of the United States, who shall take an oath
7 to faithfully discharge the duties of his office. And he shall
8 carefully and thoroughly investigate all claims that shall be pre-
9 sented for allowance, shall summon necessary witnesses, and
10 attend to all business wherein the United States is interested,
11 so to secure a legal, full, and faithful investigation of any and
12 all such claims before said commissioners. The pay of
13 said attorney shall be the same as that of a commissioner, and
14 his term of office shall expire when the labors of said commis-
15 sion are concluded.

1 SEC. 3. *And be it further enacted,* That said commis-
2 sioners are hereby authorized to appoint a clerk and sergeant-
3 at-arms, neither of whom shall be, or shall have been, in any
4 manner interested, either as owner or attorney or agent, in any
5 of said claims, and make all needful rules and regulations for
6 the government of their proceedings, not inconsistent with the
7 laws of the United States or the provisions of this act. Said
8 commissioners shall meet on the second Tuesday of April next,
9 or as soon thereafter as practicable, in the city of Leavenworth;
10 and, before proceeding to business, they and their officers shall
11 take and subscribe an oath, before some competent officer, to
12 support the Constitution and laws of the United States, and
13 faithfully and impartially to perform the duties enjoined by this
14 act, which oath shall be made part of the record of their pro-
15 ceedings.

1 SEC. 4. *And be it further enacted,* That said commis-
2 sioners shall have power to fix the times and places when and
3 where their sessions shall be held, and may adjourn from time
4 to time, and from place to place, at their discretion. The
5 presence of two of said commissioners shall constitute a quorum
6 for business. They shall have power to send for persons and
7 papers, to preserve order, and issue subpoenas, and enforce the
8 attendance of witnesses. It shall be the duty of the clerk to
9 keep a record of the proceedings of said commissioners, pre-
10 serve all papers and testimony filed in relation to claims, and

11 perform such other duties pertaining to that office as the com-
12 missioners shall direct.

1 SEC. 5. *And be it further enacted*, That the compensa-
2 tion of said commissioners shall be ten dollars per day, and of
3 the clerk five dollars per day, and of the sergeant-at-arms
4 three dollars per day, for each day actually employed in their
5 respective duties under this act, and the commissioners and
6 their officers shall each be entitled to ten cents per mile for
7 each and every mile necessarily travelled in the discharge of
8 their duties. And the President of the United States shall be,
9 and he is hereby, authorized to make such provisions for the
10 contingent expenses of said commissioners as to him shall ap-
11 pear reasonable and proper. The said salaries and expenses
12 shall be paid out of any money in the treasury not otherwise
13 appropriated.

1 SEC. 6. *And be it further enacted*, That the said commis-
2 sioners shall issue a certificate to each claimant of the amount
3 awarded to him, and make up two lists of all awards made by
4 them, and deposit one list, together with the testimony and a
5 record of their proceedings, with the Secretary of State, and
6 the other list with the Secretary of the Treasury of the United
7 States. It shall be the duty of the Secretary of the Treasury,
8 on the filing of the list of awards by the commissioners, to pay
9 over to the original claimant the amount of his award, on the
10 presentation of the certificate issued by the said commissioners,

11 and the surrender of the warrants or bonds issued by the
12 Territory of Kansas on the awards of the commissioners under
13 the act of the legislature of said Territory, passed February
14 seven, eighteen hundred and fifty-nine: *Provided, however,*
15 If the whole amount of said awards shall exceed the sum of
16 five hundred thousand dollars, it shall be distributed pro rata.
17 And so much of said sum of five hundred thousand dollars as
18 may be necessary to pay the awards made under this act is
19 hereby appropriated, payable out of any money in the treasury
20 of the United States not otherwise appropriated.

1 SEC. 7. *And be it further enacted,* That the aforesaid
2 commissioners shall, on or before the first day of August next,
3 close their proceedings under this act.